

**REMARKS**

This Reply, filed in response to the Office Action mailed August 29, 2008, is believed to be fully responsive to all and each issue contained in the Action. A favorable reconsideration on the merits is respectfully requested.

***Claim Status and Amendment***

Claims 1-20 and 22 are currently pending in the application. Claims 1-13 are withdrawn as being directed to non-elected invention. Claims 14-20 and 22 are considered and rejected.

Upon entry of the amendment, which is respectfully requested, claim 14 is amended to more clearly set forth the subject matter of the invention by deleting the term “treating” to read “preventing.” Support for the limitation may be found in original claims.

Applicants note that the Examiner states that the Applicants argument presented in May 27, 2008 and supportive data and disclosure of the specification are in fact support the “prevention of the condition (liver damage associated with oxidative stress),” rather than “treatment” of the condition. In this juncture, Applicants respectfully submit that the amendment does not raise an issue for new consideration or search, and respectfully request the amendment be entered and considered.

***Withdrawn Rejections***

Applicants thank the Examiner for withdrawing previous rejections under 35 U.S.C. §§ 102 and 103.

***Response to Rejection under 35 U.S.C. § 112***

In the Office Action, claims 14-20 and 22 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Office contends that Applicants have not reasonably demonstrated/disclosed that the claimed pinitol or chiroinositol

is useful as a treatment for liver damage associated with oxidative stress by administering pinitol or chiroinositol. In particular, the Office asserts “Applicant argues that they have support for treating liver damage caused by oxidative stress on page 3, lines 16-19 and examples 3-6 of the instant specification, but upon closer inspection of the specification it is clear that this “support” is actually for prevention of the condition which does not find support in the instant specification since preventing the claimed condition and treating the claimed condition are two different things. In the examples, it is clear that the applicant is trying to prevent the condition and not treat the condition since the condition does not yet exist in the mice.”

Without conceding with or commenting on the merits, Applicants amend claim 14 to recite “preventing,” solely in order to compact the prosecution. As admitted by the Office, the specification enables the ‘prevention of liver damage associated with oxidative stress in a mammal.’ Therefore, it is believed that the rejection renders the rejection moot and place the application in condition for allowance. Therefore, withdrawal of the rejection is respectfully requested.

## CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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